



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/706,431 11/03/00 WALKER

J 97-169X

022927  
WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD CT 06905

QM12/0904

EXAMINER

KASICK, J

ART UNIT

PAPER NUMBER

3713

*6*

DATE MAILED:

09/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/706,431

Applicant(s)

WALKER ET AL.

Examiner

Julie K Kasick

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 36-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Request for Continued Examination***

The request filed on July 12, 2001 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on Application 09/706,431 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerfin, U.S. Patent No. 3,735,982. Gerfin discloses an electronic card game machine. A game of chance is conducted by generating a subject game element, i.e. card, having a first class, i.e. suit or rank. The subject game element is displayed, thereby, an indicia of the first class is displayed (Fig. 1, col. 1 lines 39-44). A second class is assigned to the subject game element in response to an expiration of a period of time. For example, a card will be displayed on the transparency. The flip-flop circuits controlling the display switch to a first output state, which enable the respective clock

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oscillators, which then apply clock pulses to the respective display drivers. Each clock pulse is a certain frequency, i.e. a period of time. Moreover, after each clock pulse the cards are changed and displayed, i.e. assigned a second class, and the indicia of the first class is erased (col. 3 lines 55-67; col. 4 lines 1-20). The player may actuate a lock button to prevent the subject game element, i.e. card, from expiring. The player presses the push-button switch associated with a particular card, which then inhibits the operation of the respective clock oscillator thereby preventing the card from changing (col. 3 lines 37-42).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerfin in view of Dabrowski, U.S. Patent No. 5,531,440. Gerfin discloses all of the limitations mentioned above including assigning the first class to a second subject game element. For example, Gerfin assigns a first class to five different game elements, i.e. cards. Gerfin lacks in disclosing displaying the indicia of the first class simultaneously with the

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indicia of the second class. Dabrowski et al. teaches of a double poker game. Players select from two poker hands both displayed simultaneously (See Dabrowski et al. Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the indicia of the first class simultaneously with the indicia of the second class. By doing this players can see both classes at the same time which helps them make the decision of what moves to make in the game just as in Dabrowski et al. The players can decide which cards make the better hand in order to win.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerfin in view of Hung, U.S. Patent No. 3,961,473. Gerfin discloses a game of chance conducted by generating a subject game element, i.e. card, having a first class, i.e. suit or rank. The subject game element is displayed, thereby, an indicia of the first class is displayed (Fig. 1, col. 1 lines 39-44). Gerfin lacks in disclosing an indicia including a countdown display representing the forthcoming expiration of the first class corresponding to the subject game element. Hung teaches of an electronic chess timer. The timer comprises an oscillator and memory connected to a display which indicates in digital form the number of minutes of play that are represented by the signals stored in memory (See Hung abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a

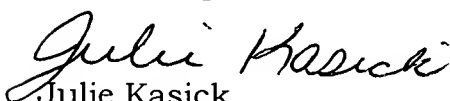
countdown timer display in the invention of Gerfin. Countdown displays are well known as in Hung. Players like to know how much time they have left to complete a move, etc. For example, in Gerfin, a player would like to know how much time they have left to activate the push-button switches to lock the card into place. By players being aware of how much time they have left, they can make better decisions on how to play the game.

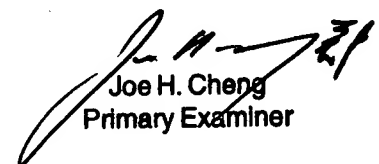
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Kasick whose telephone number is 703-308-7306. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.

  
Julie Kasick  
August 20, 2001

  
Joe H. Cheng  
Primary Examiner

## **DETAILED ACTION**

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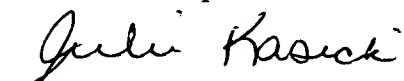
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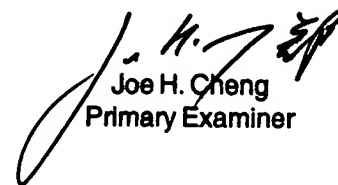
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Julie Kasick  
August 20, 2001

  
Joe H. Cheng  
Primary Examiner

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.